

Ruling on Entitlement; Influenza (“Flu”) Vaccine; Guillain-Barré syndrome

RULING ON ENTITLEMENT¹

² The Vaccine Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755 (codified as amended at 42 U.S.C. §§ 300aa-10–34 (2012)) (hereinafter “Vaccine Act” or “the Act”). All subsequent references to sections of the Vaccine Act shall be to the pertinent subparagraph of 42 U.S.C. § 300aa.

On April 20, 2020, Petitioner filed an expert report from Dr. Peter-Brian Andersson, a board-certified neurologist, which addressed Petitioner's symptoms prior to her January 3, 2018 vaccination. Ex. 17.

On October 2, 2020, in an Amended Rule 4(c) Report, Respondent stated his position is that "petitioner has now satisfied the criteria set forth in the Vaccine Injury Table and QAI, which afford[s] petitioner a presumption of causation if the diagnosis of GBS is sound; the onset of GBS occurs between three and forty-two days after a seasonal flu vaccination; and, there is no identified more likely alternative diagnosis." Am. Resp't's Rep. at 2-3; *see also* 42 C.F.R. § 100.3(a)(XIV)(D), (c)(15). Respondent requested a ruling on the record regarding Petitioner's entitlement to compensation.

In view of Respondent's position and the evidence of record, I find that the Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/ Katherine E. Oler

Katherine E. Oler
Special Master